IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.7847 OF 2006

Shri Pandurang Maruti Farakate ..Petitioner

Vs.

Shri Tukaram Hari Sathe & Anr. ..Respondents

Mr.D.S.Sawant i/b Rajesh Parab & Rahul Walwekar for the petitioner

CORAM : A.P.DESHPANDE, J

DATED : 1ST DECEMBER, 2006

P.C.:

1. By the present writ petition, the petitioner who is the original plaintiff is challenging the order passed by the trial court rejecting the application for temporary injunction so also the first appellate courts order dismissing the Misc.Civil Application concerning with the view taken by the trial court.

2. It is concurrently found by both the courts below that the defendants are co-owners and prima facie have established the title. The learned

counsel for the petitioner submits that on the date on which suit was filed, the petitioner being in possession, is entitled to protect his possession.

3. Perused the orders passed by the courts below. Having regard to the fact that the respondents are co-owners, I do not feel it expedient to interfere with the orders passed by the courts below in exercise of Jurisdiction under Article 227 of the Constitution of India. In the result, writ petition is summarily rejected.

(SHRI A.P.DESHPANDE, J)